

MINUTES OF REGULAR MEETING December 5, 2012

1. CALL TO ORDER

Mayor Bischoff opened the meeting at 7:05 p.m.

- 2. “Sunshine Law” Announcement** – Adequate notice of this public meeting has been provided by the Annual Notice; posted on Union Township website, published in the Hunterdon County Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

3. FLAG SALUTE

- 4. ROLL CALL** Present: Mr. Mazza, Ms. McBride, Mr. Bischoff, Mr. Severino
Absent: Mr. Hirt
Others Present: J. Peter Jost, Esq., Ella M. Ruta Clerk

5. APPROVAL OF PRIOR MEETING MINUTES

- a. Regular Meeting and Executive Session Minutes of November 7, 2012.
Regular Meeting Minute corrections: Page 5 change “face book” to “Facebook”; Visitors Trooper Ayala.

Regular Meeting Minutes

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride			X			
Mr. Bischoff			X			

Motion carried

6. VISITORS

- a. William Zarbock – Brass Castle Homeowner Association President, 54 Wyckoff Drive. Requesting road striping at Stop sign intersection. The Attorney will check with the Engineer on this and if it is allowed he will notify Mr. Mazza. Complimented the Committee on the daily information on the website during the Hurricane Sandy aftermath.

7. REPORTS RECEIVED

- a. Dept of Roads & Facilities – Week Ending 11/02/12; 11/09/12; 11/16/12; 11/23/12; 11/30/12. Hoffman generator returned and thanked DR&F for putting up new flags. New chain saw purchased. The DR&F received many compliments from residents in the aftermath of the storm.
b. Zoning Officer – November 2012
c. Tax Collector – November 2012
d. Engineer’s Report - not present for the meeting.

8. CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Mazza mentioned the following correspondence: None

Ms. McBride mentioned the following correspondence:

- NJ DEP re: Reconstruction of HC Culvert U-18.
- Mayor's Advisory re: Newly Elected Officials Orientation. Asked Clerk to remind Bruce Hirt about the Orientation for Newly Elected Officials.

Mr. Severino mentioned the following correspondence:

- NJ DEP re: Recycling Center General Approval – Initial Approval Green Rock Recycling, LLC.

Mr. Bischoff mentioned the following correspondence:

- Mayor's Advisory re: Mayors Hurricane Sandy Survey. Mayor and Ms. McBride will work on the survey.
- Township of Clinton Re: Res #133-12 – Calling for an Investigation in the Mismanagement of "Hurricane Sandy" by JCP&L. There is a schedule of meetings if any of the Committee wish to attend.

9. **PUBLIC COMMENTS** - Chief Dan Van Fossen, Chief of the Pattenburg Volunteer Fire Company presented the Committee with a plaque thanking them for their support.

10. OLD BUSINESS

11. PUBLIC HEARING

12. NEW ORDINANCE – 1ST Reading

13. NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2012-135

Re: Appointment of Union Township Tax Collector

WHEREAS, Union Township is in need of a Tax Collector and Kelly A. Hahn is a Certified Tax Collector of the State of New Jersey in good standing; and

WHEREAS, after reviewing and interviewing various candidates, the Township Committee made an offer of employment to Kelly A. Hahn by letter of Deputy Mayor Michele McBride dated November 21, 2012, which offer was accepted by Kelly A. Hahn on November 23, 2012, and good cause appearing

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey that Kelly A. Hahn, a Certified Tax Collector of the State of New Jersey, is hereby appointed, confirmed and ratified as the Tax Collector of the Township of Union, effective November 26, 2012 for a term as provided by law; and

BE IT FURTHER RESOLVED that said the employment of Kelly A. Hahn shall be in accordance with the terms and conditions contained in the said letter of Deputy Mayor Michele McBride dated November 21, 2012; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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 Ella M. Ruta, Clerk

 William F. Bischoff, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

b. The following resolution was introduced for adoption:

Resolution # 2012-136

**UNION TOWNSHIP, HUNTERDON COUNTY
APPROPRIATION TRANSFER(S)**

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2011 Appropriations in the following accounts:

TO:	Computerized Data Processing	\$2,000.00
	Legal OE	\$5,000.00
	Unemployment OE	\$ 100.00
	Bldg & Grounds	\$8,000.00
	Total	\$15,100.00

WHEREAS, the following account(s) have sufficient excess funds to meet such demands:

FROM:	Roads S&W	\$10,100.00
	Employee Group Insurance	\$ 5,000.00
	Total	\$15,100.00

BE IT RESOLVED that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Date: December 5, 2012

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

c. The following resolution was introduced for adoption:

**RESOLUTION #2012-137
UNION TOWNSHIP; HUNTERDON COUNTY**

**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2012
Jonathan E. Drill, Esq. Special Counsel – Affordable Housing**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, Stickel, Koenig & Sullivan, has completed and submitted a Business Entity Disclosure Certification which certifies that Stickel, Koenig & Sullivan has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit Stickel, Koenig & Sullivan from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Jonathan E. Drill, Esq., of Stickel, Koenig & Sullivan, a Professional Corporation, 571 Pompton Avenue, Cedar Grove, New Jersey 07009 for legal services for 2012.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because Stuart Koenig, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2012 adopted municipal budget.
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: December 5, 2012

CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2012 Temporary/Adopted Budget to award a contract to Jonathan E. Drill, Esq., as appropriated under the line item "Legal".

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Date: _____

Grace M. Brennan, CFO

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried subject to attorney approval

d. The following resolution was introduced for adoption:

RESOLUTION #2012-138
TOWNSHIP OF UNION, HUNTERDON COUNTY
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER

WHEREAS, Tax Sale Certificate #2010-03 was issued on October 4th, 2011 to FWDSL & Associates in the amount of \$20,717.74 and a premium of \$31,500.00: and

WHEREAS, FWDSL & Associates has paid subsequent taxes on the delinquency; and

WHEREAS, the lien was redeemed on December 5, 2012, in the amount of \$67,615.12 in accordance with provisions of NJSA54:5-60 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of December, 2012, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Treasurer issue a check in the amount of \$67,615.12 and a premium of \$31,500.00 for a total of \$99,115.12 payable to FWDSL & Associates, 290 US Highway 22, Green Brook, NJ 08812.
2. That this resolution shall take effect immediately upon adoption.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

e. **Motion:** Approval of 2013 Union Township Committee Meeting Dates – Re-org Mtg. only, January 2, 2012

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

f. **Discussion/Approval:** Extension of Pilot Travel Center LLC Temporary Certificate of Occupancy (TCO). Executive Session item

g. **Appointment:** Administrator of the Local Flood Ordinance. Zoning Officer is the administrator according to the Union Township Code. The Mayor will respond to the DCA.

14. REPORTS

OUT OF AGENDA ORDER

a. Clerk's Report

- Motion to Ratify Resolution #2012-133. Correction of dollar amounts.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

RETURN TO AGENDA ORDER

a. Attorney's Report

- Dissolution of the North Hunterdon Municipal Court. Effective January 1, 2013 Clinton Township will take and store the records and administer the records for a fee. The records date back to 1961. We need to introduce the following Ordinance.

TOWNSHIP OF UNION
COUNTY OF HUNTERDON

NOTICE OF INTRODUCTION OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 5th day of December, 2012. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held at the special meeting on December 21, 2012, at 5:00 pm, at the Union Township Municipal Building, 140 Perryville Road, Jutland, N.J. at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

ORDINANCE NO. 2012-17

AN ORDINANCE APPROVING THE CESSATION OF THE REGULAR MUNICIPAL COURT CASE FUNCTIONS OF THE NORTH HUNTERDON MUNICIPAL COURT

AND APPROVING THE SHARED SERVICES AGREEMENT TO PROVIDE FOR THE STORAGE, SECURITY AND ADMINISTRATION OF THE MUNICIPAL COURT OF NORTH HUNTERDON'S CASE FILES AND RECORDS AND THE CONTINUATION OF BUSINESS AS REQUIRED AFTER CESSATION OF REGULAR MUNICIPAL COURT CASE FUNCTIONS

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

b. Mayor's Report

- Quote “Elections should be held on April 16th – the day after we pay our income taxes. That is one of the few things that might discourage politicians from being big spenders.” Thomas Sowell
- Court report. Ms. McBride did an analysis for this year versus last year. The Mayor will ask the Court Administrator to add percentages to her report.
- Letter from public utilities, JCP&L re: Hurricane Sandy Information. Meeting with utility companies and we are invited as a municipality to provide input.
- We have started discussions with regard to filling the position of Enforcement Officer.
- Letter from High Bridge Emergency Squad telling us they appreciate our support and looking forward the new budgeting cycle.

c. Committee Reports

Mr. Mazza reported the following:

- Asked Clerk how we did on the Rabies Clinic, response about 18.
- We have quite a number of large stumps at Finn Rd. Park that will not fit in the grinder and will take them to Brian Plushanski's recycling as soon as it is open.
- Tree on Main St. Jutland we need to determine if it is in the right-of-way. Contact the Engineer to determine.
- Email from Country Acres. None of the debris came down from trees in the right-of-way, it was dragged from other parts of the property to the road. All of the other developments look good.
- CR 579 a tree came down on the power line and the cables are sagging 3-4 feet from the ground.
- Suggested that the meeting room be spruced up.

Ms. McBride reported the following:

- The Engineer gave me notes on some of the projects.

Race Street project - he forwarded documentation to the Office of Land Use Regulation DEP on Nov. 7th regarding emergency stream stabilization projects and by the end of the month we may have approval to go forward.

Hoffman project – demolition of the Hoffman House and the White House should be finished the end of the week. Showed pictures of water pressurization tank in basement. Left slab from Red House intact. We need to think about our next steps after the demolition is complete. Remaining generator building and stable

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building we do not need. Ms. McBride suggested that we write a letter to County to Frank Bell, Acting Director of Parks Dept., with copies to Freeholders, if they have any interest to take those buildings on and if not to contact Green Acres for permission to demolish them. Further discussion of buildings on north side of the park. The Attorney will call the Director of Parks Dept. to find out if he would like to meet at the site to examine the remaining buildings.

- JCP&L rate increase. After many discussions with residents extremely dissatisfied with the customer service they experienced in the aftermath of Hurricane Sandy, a few of the residents want to form an ad hoc committee write a letter to JCP&L with suggestions to improve their customer service and information systems. Some of the residents have some very good backgrounds in these areas and have a lot of good technical information. Thought we could get together once with the ad hoc committee and get their input and solutions and write a letter to BPU copying JCP&L and Legislators. Committee agreed.
- Don Church, UTEC Chairman will be attending the Rutgers Environmental Stewardship program in the spring. His employer will be paying for the program.
- We are making good headway in negotiating a lease contract for a trailhead at Milligan property working with Jehovah Witnesses.
- Pilot meeting Dec. 12th at 10:00 am at NJDOT.
- Create a Facebook page for Union Township. Our website contractor will guide us. We would administer the page. More information to come.
- Highlands sub-committee meeting on Nov. 26th. Steve Balzano is writing a letter to the Highlands Council with our comments.
- UTEC Newsletter: The quote for the newsletter was \$1,347.00 for printing and postage; less than previous years'.
- Have personnel and contract negotiations items for Executive Session.

Mr. Severino reported the following:

- Solicited quotes for the dumpsters at the mini-dump to see that our prices are in line with other companies.

d. Clerk's Report

RESOLUTION DONE OUT OF AGENDA ORDER EARLIER IN MEETING

Motion: To ratify Resolution #2012-133

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

15. PUBLIC COMMENTS - Terry Wright asked about Tax Collector; North Hunterdon Municipal Court and negotiation with Transco.

16. PAYMENT OF BILLS

The approved list of bills and all claims against the Township of Union, except for #24868, as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

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Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

17. EXECUTIVE SESSION – Contract Negotiations and Personnel. If needed, action maybe taken following Executive Session.

RESOLUTION #2012- 139

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

2. _____ *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on December 5, 2012, at 8:56 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

8:56 pm go into Executive Session

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza	X		X			

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Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

9:28 Reopen public session

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

Motion: To approved corrected November 7, 2012 Executive Session Minutes

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

Temporary CO for Pilot Truck Stop facility.

Motion: Attorney to advise the Zoning Officer and Construction Official that the Township Committee has no objection to a four month extension of the TCO.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza			X			
Mr. Hirt						X
Ms. McBride		X	X			
Mr. Bischoff			X			

Motion carried

Motion: Authorizing the Attorney to advise Transco's Attorney Christine Roy that the Township is agreeable to the offer made by Transco for the temporary work space and associated rights for the sum of \$25,000 subject to there being no objection from the DEP and such other requirements of law.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Mazza		X	X			
Mr. Hirt						X
Ms. McBride	X		X			
Mr. Bischoff			X			

Motion carried

18. ADJOURNMENT - There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:32 p.m.

Respectfully submitted,

Patricia Essig, Deputy Twp. Clerk

William F. Bischoff, Mayor